



# RULE-MAKING ORDER EMERGENCY RULE ONLY

## CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: August 20, 2024

TIME: 10:45 AM

WSR 24-17-129

**Agency:** Department of Fish and Wildlife (Order 24-160)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes
  - No
- If Yes, explain:

**Purpose:** This emergency rule:

- (1) Implements the hard-closure dates agreed to with co-managers for commercial shrimp harvest in Puget Sound by management area.
- (2) Designates the commercial spot shrimp catch accounting periods and catch limits.
- (3) Implements a reduced pot limit in Region 5 congruent with RCW 77.50.100.
- (4) Designates the commercial non-spot shrimp catch accounting periods and bi-weekly catch limit for harvest from sub-regions 1B and 1C and Region 2E.

**Citation of rules affected by this order:**

New:  
 Repealed: WAC 220-340-52000Z, WAC 220-340-53000C  
 Amended: WAC 220-340-520, WAC 220-340-530,  
 Suspended:

**Statutory authority for adoption:** RCW 77.04.012, 77.04.020, 77.12.045 and 77.12.047

**Other authority:**

**EMERGENCY RULE**

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

**Reasons for this finding:** Permanent rules regulating state commercial shrimp harvest in Puget Sound and the Strait of Juan de Fuca require the adoption of harvest seasons contained in this emergency rule. This emergency rule is necessary to prosecute state commercial shrimp pot fisheries in Puget Sound. This rule closes a quota area to commercial harvest following the projected attainment of the available harvest. This rule allows harvesters to respond to dynamic changes in market conditions and promotes full utilization of both the commercial spot and non-spot shares. These rules are in congruence with co-manager agreements. There is insufficient time to adopt permanent rules.

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

**The number of sections adopted at the request of a nongovernmental entity:**

New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**The number of sections adopted on the agency's own initiative:**


New 2 Amended \_\_\_\_ Repealed 2

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**The number of sections adopted using:**

Negotiated rule making:	New ____	Amended ____	Repealed ____
Pilot rule making:	New ____	Amended ____	Repealed ____
Other alternative rule making:	New ____	Amended ____	Repealed ____

<b>Date Adopted:</b> August 20, 2024	<b>Signature:</b> 
<b>Name:</b> Kelly Susewind	
<b>Title:</b> Director	

## NEW SECTION

### **WAC 220-340-52000A Commercial shrimp pot fishery – Puget Sound.**

Notwithstanding the provisions of WAC 220-340-520, effective immediately, until further notice, it is unlawful to fish for shrimp for commercial purposes using pot gear in Puget Sound except as provided for in this section:

(1) Spot Shrimp Pot Harvest:

- (a) Spot shrimp harvest is permitted as indicated in the following table opening one hour before official sunrise on the first day of the open period. Any closures take effect one hour after official sunset on the closing day of the open period.

<b>Geographical Management Unit (WAC 220-320-140; WAC 220-320-120)</b>	<b>Open Period</b>
Subregion 1A	Closed.
Subregion 1B	Closed.
Subregion 1C	Closed.
Region 2E	Closed.
Region 2W	Immediately, through September 15, 2024.
Subarea 23A-E	Closed.
Subarea 23A-W	Closed.
Subarea 23A-C and MSFS Catch Area 23B	Closed.
Subarea 23A-S and MSFS Catch Area 23D	Immediately, through September 15, 2024.
MFSF Catch Area 23C	Immediately, through September 15, 2024.
MFSF Catch Area 25A, excluding the Discovery Bay Shrimp District	Closed.
Discovery Bay Shrimp District	Closed.
MFSF 29 (Straits - Neah Bay)	Immediately, through September 15, 2024.
Subarea 26B-1 and MFSF Catch Area 26C	Immediately, through September 15, 2024.
Subarea 26B-2	Immediately, through September 15, 2024.
Region 5	Immediately, through August 31, 2024.
MFSF Catch Area 26D	Closed.
MFSF Catch Areas 28A, 28B, 28C, and 28D	Closed.

- (b) The first spot shrimp catch accounting period starts one hour before official sunrise on May 1, 2024, through one hour after official sunset on July 30, 2024.
- (c) It is unlawful for the combined total harvest during the first spot shrimp accounting period to have exceeded 4,800 pounds of spot shrimp per license from all Puget Sound shrimp management regions combined.
- (d) The second spot shrimp catch accounting period starts one hour before official sunrise on July 31, 2024, through one hour after official sunset on August 20, 2024.

- (e) It is unlawful for the combined total harvest during the first and second spot shrimp accounting periods to have exceeded 5,300 pounds of spot shrimp per license from all Puget Sound shrimp management regions combined.
- (f) Harvesters may deploy no more than 50 spot shrimp pots per license in Shrimp Management Region 5.
- (g) It is lawful to possess deactivated non-spot shrimp pots on-board a commercial vessel that is listed on a Puget Sound shrimp pot license while fishing for spot shrimp.

A deactivated pot is un-baited, has the drawstring or door fastened open, and/or is unable to be readily fished.

(2) Non-spot shrimp pot harvests:

- (a) Non-spot shrimp pot harvest is permitted as indicated in the following table opening one hour before official sunrise on the first day of the open period. Any closures take effect one hour after official sunset on the closing day of the open period.

<b>Geographical Management Unit (WAC 220-320-140; WAC 220-320-120)</b>	<b>Open Period</b>
Subregion 1A	Immediately, through October 15, 2024.
Subregion 1B	Closed.
Subregion 1C	Closed.
Region 2E	Closed.
Region 2W	Immediately, through October 15, 2024.
Region 3, not including Discovery Bay Shrimp District	Immediately, through October 15, 2024.
Discovery Bay Shrimp District	Immediately, through October 15, 2024.
Region 4	Closed
Region 5	Closed
Region 6	Closed

- (b) The non-spot shrimp catch accounting periods begin one hour before official sunrise and end one hour after official sunset on the date listed in the following table:

<b>Period Number</b>	<b>Start Date</b>	<b>End Date</b>
<b>1</b>	5/1/2024	5/14/2024
<b>2</b>	5/15/2024	5/28/2024
<b>3</b>	5/29/2024	6/11/2024
<b>4</b>	6/12/2024	6/25/2024
<b>5</b>	6/26/2024	7/9/2024

<b>6</b>	7/10/2024	7/23/2024
<b>7</b>	7/24/2024	8/6/2024
<b>8</b>	8/7/2024	8/20/2024
<b>9</b>	8/21/2024	9/3/2024
<b>10</b>	9/4/2024	9/17/2024
<b>11</b>	9/18/2024	10/1/2024
<b>12</b>	10/2/2024	10/15/2024

- (c) It is unlawful for total harvest of non-spot shrimp to exceed 1,400 pounds per non-spot shrimp catch accounting period from subregions 1B, 1C, and Region 2E combined during catch accounting periods 1 through 12.
- (d) There is no weekly harvest limit of non-spot shrimp from sub-region 1A, Region 2W, Region 3, or the Discovery Bay Shrimp District.
- (e) Harvest of non-spot shrimp is not permitted deeper than 175 feet in Catch Area 23A and all of its subareas (23AE, 23AW, 23AC, 23AS).
- (f) Harvest of non-spot shrimp is not permitted deeper than 175 feet in subregion 1A.
- (g) It is unlawful to harvest non-spot shrimp in more than one geographical management unit listed in subsection 3(a) in a single day with the following exceptions:
  - (i) Non-spot shrimp may be harvested from more than one subregion of Region 1 on the same day.
  - (ii) Non-spot shrimp may be harvested from Discovery Bay Shrimp District and Region 3 on the same day.
- (h) It is lawful to possess deactivated spot shrimp pots on-board of a commercial vessel that is listed on a Puget Sound shrimp pot license while fishing for non-spot shrimp.

A deactivated pot is un-baited, has the drawstring or door fastened open, and/or is unable to be readily fished.

## NEW SECTION

### **WAC 220-340-53000D Commercial shrimp trawl fishery – Puget Sound.**

Notwithstanding the provisions of WAC 220-340-530, effective immediately, until further notice, it is unlawful to fish for shrimp for commercial purposes using beam trawl gear in Puget Sound except as provided for in Tables a, b, and c of this section:

- (a) Non-spot shrimp beam trawl harvest is permitted starting one hour before official sunrise on the hard season opening dates listed for each of the areas detailed below.

<b>Geographic Area Description (WAC 220-320-140 (3); WAC 220-320-120)</b>	<b>Open period</b>
Catch Area 20A outside of those waters north and east of a line from Point Roberts Light (48.9716°, -123.0838°) to Sandy Point Light at the Lummi Reservation (48.7868°, -122.7124°)	Immediately, through October 15, 2024.
Those waters within the Lummi-Sinclair Triangle.	Immediately, through October 15, 2024.
Those waters of South Lopez Sound.	Immediately, through October 15, 2024.
All waters within subregion 1B, excluding those waters of South Lopez Sound, the Lummi-Sinclair Triangle, and Catch Area 20B.	Immediately, through October 15, 2024.
Subarea 23A East, MFSF Catch Areas 23B, and MFSF Catch Area 25A outside of the Discovery Bay Shrimp District.	Immediately, through September 30, 2024.
Subarea 23A West	Immediately, through September 30, 2024.
MFSF Catch Area 23C	Immediately, through September 30, 2024.
MFSF Catch Area 29	Immediately, through September 30, 2024.

- (b) Non-spot shrimp beam trawl harvest is permitted starting one hour before official sunrise in the areas detailed below contingent on the harvester bringing a WDFW on-board observer on the first trip of the area. If by-catch sampling criteria are not met these areas will open on the later dates described in WAC 220-340-530 (5)(d)and(5)(e).

<b>Geographic Area Description (WAC 220-320-140 (3); WAC 220-320-120)</b>	<b>Open period</b>
Those waters within the Rosario Box.	Immediately, through October 15, 2024.
Those waters of Catch Area 22A within subregion 1B, excluding the Rosario Box and South Lopez Sound.	Immediately, through October 15, 2024.
Those waters of Catch Area 20B within subregion 1B.	Closed.

(c) Non-spot shrimp beam trawl harvest is not permitted in the areas of Shrimp Management Regions 1 and 3 detailed below.

<b>Geographic Area Description (WAC 220-320-140 (3); WAC 220-320-120)</b>
Discovery Bay Shrimp District
Sequim Bay CSMA
MFSF Catch Area 23D
Subregion 1A

#### REPEALER

The following section of the Washington Administrative Code is repealed, effective immediately:

WAC 220-340-52000Z Commercial shrimp pot fishery – Puget Sound. (24-148)

WAC 220-340-53000C Commercial shrimp trawl fishery – Puget Sound. (24-110)